

**PLANNING COMMISSION
COMMISSIONER'S HEARING ROOM, COUPEVILLE, WA
MONDAY, JULY 27, 2015**

	<i>Members Present</i>	<i>Members Absent</i>
<i>District 1</i>	<i>Val Hillers</i>	
	<i>Dean Enell – Vice Chair</i>	
	<i>Karen Krug</i>	
<i>District 2</i>	<i>Jeffery Wallin– Chair</i>	
		<i>George Saul</i>
		<i>Darin Hand</i>
<i>District 3</i>	<i>Wayne Havens</i>	
	<i>Beth Munson</i>	
	<i>Scott Yonkman</i>	

Meeting was called to order at 2:00 p.m. by Chair Wallin.

ROLL CALL

Wayne Havens, Dean Enell, Jeff Wallin, Val Hillers, Karen Krug, Beth Munson

Planning staff present: Dave Wechner – Director, Planning and Community Development, Brad Johnson – Long Range Planner, Meredith Penny – Long Range Planner

Minutes:

March 9, 2015

Commissioner Krug moved to approve the minutes, Commissioner Enell seconded, motion carried unanimously.

March 23, 2015

Commissioner Krug moved to approve the minutes, Commissioner Hillers seconded, motion carried unanimously.

April 27, 2015

Commissioner Krug moved to approve the minutes, Commissioner Hillers seconded, motion carried unanimously.

ITEMS FROM THE PUBLIC

Steve Erickson, WEAN Po Box 53, Langley

Mr. Erickson asked if there will be an opportunity to discuss the Best Available Science (BAS) Report. He wanted to discuss items that should be considered during the 2016 Update he thinks may not be on the list; dealing with logging and deforestation. The existing system contains loopholes visible in the logging occurring along Bayview. Slash piles remain and there are plans to apply to lift the moratorium on the logging to build a single family residence. It is not being done by someone who is going to build a house for themselves; it is being done by a professional builder that specializes in this sort of thing. He stated that by going this route instead of declaring they intended to convert the land to a non-forestry use, they can skip the Department of Natural Resources fee of \$1,500.00. It creates a shortfall in that department, which everybody

else has to cover. It is one of the loopholes that need to be closed. The topic of deforestation and how it is handled in this County needs to be dealt with.

Susan Bennett, 2191 Goss Ridge Rd, Freeland

Ms. Bennett wanted to discuss the draft Existing Conditions Report.

Brad Johnson stated the Existing Conditions Report is before the Technical Advisory Group (TAG) and will be brought to the Planning Commission in an upcoming meeting.

Chair Wallin asked staff if the topic would be discussed in today's meeting.

Brad Johnson responded the topic to be discussed is the Best Available Science Report. The Existing Conditions Report will be discussed tentatively on August 24, 2015.

Commissioner Enell stated the Existing Conditions Report was received via e-mail.

Brad Johnson clarified that those who are on the general mailing list for the Comprehensive Plan Update would have received it since it was sent to the TAG for review, which is the first step of the process.

Dave Wechner stated it would be up to the Chair if the Planning Commission would like to entertain a comment.

Chair Wallin acknowledged Ms. Bennett for public comment.

Ms. Bennett stated there were two places in the Draft Existing Conditions Report that refers to the National Land Cover Database. It states the 2011 coverage was used for this analysis. Since 2012, over 140 applications have been processed by the Department of Natural Resources for Island County and therefore she does not think that a 2011 report refers to existing conditions. She thinks the results of the logging would show a great deal more bare land than the 10.1 percent forest the table reflects. Private land is being cut at a greater rate than expected and thinks it needs to be examined more closely.

DIRECTOR'S REPORT

Dave Wechner discussed development activity and what is going on in the Department.

- He introduced new planning staff, Meredith Penny and Nathan Howard. The Long Range Planning team is now fully staffed and will be able to conquer the tasks ahead for the Comp Plan Update. There has been a lot of activity in the last month; six meetings before the Board of Commissioners work sessions, regular sessions and a meeting held in Freeland.
- He also informed the Planning Commission of the code clean up team made up of Dan Mitchell from the Prosecuting Attorney's Office, Hearings Examiner Michael Bobbink, and Current Use Manager Hiller West. The first phase of this work is to look at portions of the code that need general housekeeping; references to portions of code that no longer exist, things that are in direct conflict with each other and looking for consistency. The team is also identifying portions of code that needs some policy work done. There will

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be some decisions that the Planning Commission and the Board will have in front of them as policy choices to determine how they will be reflected in the code. The first round of reports is anticipated in the fall.

- Development activity is up 2% year to date in building and down 3% in planning compared to last year.
- He expects building permit revenue to increase about 4 or 5%, due to a large amount of building permits processed in the past few weeks.
- New housing starts for June of this year were 20 compared to 14 for last year and the total yearly starts were 98 compared to 101 last year.
- Mike Donaty will be the new Permit Manager at the Camano Office.
- FEMA is changing the flood insurance rate maps. The County will host two community meetings, one on August 26 in Coupeville at the Recreation Hall at 6:00 p.m. and on August 27 at the Camano Center at 6:00 p.m. A notice will go out to nearly four thousand County residents, there will be a general news release, as well as information posted on the website regarding these changes. There is a map viewer that will be posted on the website. The Board of Commissioners wanted to make a concerted effort to reach out to the residents being affected by the changes. There are residents that will not be affected and they will not get a special notice.

NEW BUSINESS –

Formal adoption of Planning Commission schedule change.

Commissioner Krug moved to adopt the Rules of Procedure with the schedule change being the second and fourth Tuesday meeting at 2:00 p.m., Commissioner Enell seconded, motion carried unanimously.

Planning Commission Workshop to discuss Island County Critical Areas Ordinance Update and review of the Draft Best Available Science Report.

Chair Wallin informed the public of the purpose for Planning Commission Workshops.

Brad Johnson stated the purpose of the meeting is to discuss the ongoing effort to update the County's Critical Areas Regulations. He presented a general overview of the project, what is being done and why, then discussed the Best Available Science Report. The Planning Commission is aware Island County is currently going through the process of updating the policies and regulations of the Comprehensive Plan. As part of this effort, Island County is required to review and update the Critical Areas Regulations and Policies. A portion of the work was completed with the recent update of the Fish and Wildlife Habitat Conservation Areas Regulations last year. There are a total of five critical areas that are identified in the Growth Management Act; the four remaining critical areas are wetlands, critical aquifer recharge areas, frequently flooded area and geologic hazards that need to be addressed through this update effort.

- He presented the process for completing the work laid out in the project schedule included in the materials provided to the Planning Commission. He further explained the items being reviewed in the project schedule.

- He then discussed the Best Available Science (BAS) Report, which was recently completed by the consulting team and reviewed by the TAG. The TAG group was comprised of Island County staff, agency staff with relevant expertise in subject areas. Their comments are reflected in Attachment E in the materials, it is a table that identifies the changes and comments submitted by the TAG. The BAS reflects those comments.
- He then drew the Planning Commission's attention to attachments A & C.
 - Attachment A – is a scope of work that is prepared for the project. Task three – identifies what the consultant was asked to include in the report. It describes exactly the purpose of the document. Attachment C is Department of Commerce guidance on best available science and what qualifies as best available science. Local policies and regulations to protect critical areas are required to be based on best available science included in the project record.
- The discussion should focus on the extent to which the Best Available Science Report reflects local conditions, is consistent with best available science and is consistent with the scope of work established for the project.

Planning Commissioners made the following comments:

- Commissioner Hillers commented that in reading and looking at the comments, the consultant captured the important information.
- Commissioner Enell stated he was impressed with the knowledge and scientific data provided in the materials. It seems to him the challenge will be to try and get all the knowledge and wisdom into the subsequent GMA update and code revisions. He looked at the comments submitted by Whidbey Environmental Action Network (WEAN) and he thinks they are good. A lot of them are wordsmithing and making it clearer, others are a little more substantial but he would encourage to carefully heeding those comments.
 - Brad Johnson responded the public comments were received late and the TAG was unable to consider them, staff wanted to make sure they were acknowledged in the process. If the Planning Commission decided the comments should be considered by the consulting team, staff would then forward them to the consulting team for consideration.
- Commissioner Enell stated WEAN made a point he would like to comment on. During the Fish and Wildlife Update, a lot of times it was stated that it was covered under other government agencies code and WEAN recommend that although it might be redundant it should be also stated within Island County Code. Based on his experience, it is a pretty good idea. If it is in the Code it becomes more accessible for the public instead of having to be knowledgeable in federal and state code.
- Commissioner Yonkman stated thinking of everything they went through in 2007 and 2008 for Critical Areas Update related to wetlands, he is looking forward to the needs assessment and gap analysis, which will really show them where gaps were left in the last process.
- Commissioner Enell stated he received a copy of the Existing Conditions Report. He is looking forward to that portion of the workshop.
- Commissioner Hillers asked if staff felt the consultant group has done a good job capturing where the County is, in terms of the regulations.

- Brad Johnson replied he thinks they have and to reflect the comments from Commissioner Enell, he thinks that the Existing Conditions Report is perhaps going to be the more useful document to this effort. The County went through a very substantial process in updating critical areas particularly regarding wetlands and a couple of broad monitoring programs were implemented. The data science has not necessarily changed so much since that effort but there has been a lot of work done to determine if they were effective or not. Work done on critical aquifer recharge areas and groundwater supply was something that came up through the public comment period as being very important in Island County.
- Commissioner Hillers remembered the last Best Available Science Report was just a list of the literature, with a synopsis of the highlights. She is used to reading scientific literature in different fields, but it did not give her any information she could use. She likes the way the material they received has been prepared this time. It works well at pointing them in the direction they need to look further.
 - Brad Johnson responded some of that was the result of the differences of the projects. Geo hazards and frequently flooded areas for example are a couple of the critical areas that have not evolved rapidly in terms of scientific knowledge. There is certainly new information available but that is more in the Existing Conditions Report, in terms of mapping or imagery that may give access to better information about those critical areas. The scientific literature does not necessarily evolve in the field of geology at the same rate it does with respect to wildlife habitat. The other difference is the substantial effort they went through with wetlands; staff specifically asked the consultant to look at literature that was produced after 2007 which was the date of the last update.
- Commissioner Hillers asked if staff felt they were on track to come up with something that is satisfactory.
 - Brad Johnson replied the consultant was told it was a priority and there are two interests that must be reconciled in order to address that. One is court decisions and GMA Hearings Board cases that clarify Ag practices. The manner in which they are regulated must be consistent with the best available sciences and also the needs of the agricultural community and producers, which are separate and often times different from the way other activities are regulated. It was a discussion in the last TAG meeting. He would like to think there was an easy solution to find but he thinks it will be a big challenge but one that has to be made.
- Commissioner Krug asked how the Planning Commission and the public can view the LIDAR maps.
 - Brad Johnson encouraged that they can contact the Public Works department. He also said Bill Poss and John Bertrand are the Development Coordinators and would be able to answer questions.
- Commissioner Krug would like to see the geo hazardous information be more available to the public or those that are affected by the critical area be notified of it.

Brad Johnson provided an overview of the project schedule, Attachment B provided to the Planning Commission.

- Commissioner Hillers asked if there will be a public hearing on any of the items on the projects schedule.
 - Brad Johnson stated the schedule was just to covers the Existing Conditions and Best Available Science Report. The outcome of these workshops will be the development of a number of policy and regulation packages. After identifying any problems there may be, there will be multiple solutions to address the problems and then those will be brought to the Planning Commission and Board for discussion. The Planning Commission would then be asked to make a decision, which would then be a formal hearing.
- Commissioner Hillers asked if there will be opportunities for public input during each of the steps.
 - Brad Johnson said it is staff's intention that public comment be accepted during each of the steps. Public comments are also welcomed in advance of the TAG's final draft review.
- Commissioner Krug asked to receive a copy of the existing reports.
 - Brad Johnson responded the Planning Commission's Existing Conditions Report was scheduled to be forwarded to them on August 17th. A copy can be forwarded to the Planning Commission but it will not reflect any TAG comment changes.
- Commissioner Enell wanted to point out one area that needs further information in the Existing Conditions Report, the geologically hazardous areas. It does not reflect current information and there are a lot of general statements.

Commissioner Hillers asked Chair Wallin to open the workshop for public comment. The other Planning Commissioners were also in favor of hearing public comment.

Dave Wechner stated accepting comments was fine. They are not part of public testimony and wanted to make that distinction for people. This is not a hearing and a formal decision is not being made. Comments made today are not considered to be public testimony; the public may want to repeat themselves at the public hearing. Written comments are also welcomed.

PUBLIC COMMENT

Steve Erickson, WEAN, BOX 53, Langley

Mr. Erickson discussed the following items:

- LIDAR imagery - as part of the TAG process the Department of Ecology has done some modeling that is water flow based. One result of the modeling is a large number of maps, he is not sure of the resolution, but he believes a set of the LIDAR imagery is on their website.
- He referenced comments submitted to the TAG by WEAN.
 - More comprehensive and broader planning than just in the critical areas.
 - Changes that occur outside of a critical area influence the critical areas.
 - Most species do not reside entirely within critical areas. There are many things that happen on the land that are not generally considered in the critical areas regulation that influence whether those wildlife populations are maintained. It includes deforestations, development density, road widths etc. There needs to be a comprehensive look at that whole package.

- He used the Western Toad and Northern Flying Squirrel habitats as examples.

Commissioner Krug asked staff if they expect comments from the Planning Commission by August 5th. Brad Johnson replied it was staff's intention that the Planning Commission's comments would be collected at the meeting or in writing prior to the meeting.

Commissioners expressed concern regarding the short timeframe they were given to provide comments to staff.

Commissioner Hillers moved to adjourn, Commissioner Enell seconded, motion carried unanimously.

Meeting adjourned at 2:55p.m.

Respectfully submitted,

Virginia Shaddy